

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE TINSLEY,

Defendant.

Case No. 2:17-cr-20640-9

HONORABLE STEPHEN J. MURPHY, III

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**OPINION AND ORDER DENYING  
DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE [608]**

Defendant Andre Tinsley recently moved for compassionate release. ECF 608. The Government opposed Defendant's request. ECF 611. The Court will deny Defendant's motion because he failed to exhaust the administrative requirements to be eligible for compassionate release.

Under the First Step Act's compassionate release provision, the Court may modify Defendant's sentence only if: (1) he has exhausted all administrative remedies, or (2) thirty days have passed since the warden received Defendant's request for the Bureau of Prisons to bring a motion on his behalf. 18 U.S.C. § 3582(c)(1)(A). The exhaustion condition is "mandatory." *United States v. Alam*, 960 F.3d 831, 833–34 (6th Cir. 2020) (alteration in original) (quoting 18 U.S.C. § 3582(c)(1)(A)). Plus, it is Defendant's burden to establish that he has exhausted all his administrative remedies. *See United States v. Pena-Lora*, No. 15-20695, 2020 WL 3886384, at \*1 (E.D. Mich. July 9, 2020) (citation omitted).

Here, Defendant has offered no evidence that he has exhausted his administrative remedies. *See* ECF 608. Although Defendant made a bare assertion that "the warden has ignored all [his] requests over the last [two] months," *id.* at 7207, Defendant has not outlined, let alone shown, any concrete steps he took to meet the requirements of § 3582(c)(1)(A). Because Defendant has failed to satisfy his burden, the Court will deny the motion for compassionate release without prejudice. Defendant may refile the motion after he has satisfied either condition of § 3582(c)(1)(A).

**WHEREFORE**, it is hereby **ORDERED** that Defendant's motion for compassionate release [608] is **DENIED WITHOUT PREJUDICE**.

**SO ORDERED.**

s/ Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: November 16, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 16, 2020, by electronic and/or ordinary mail.

s/ David P. Parker  
Case Manager